

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

W.P.No. 15976 of 1998 &

W.P.M.P.No. 1162 of 2005

W.P.No. 15976 of 1998

Between:

M.Ramachander, S/o Posham,
Mandamarri (Post), Mandamarri Mandal,

Adilabad Dist. PETITIONER

AND

- 1 The State Election Commission, A.P, Rep. by its Secretary,
Ground Floor, Budha Bahvan, M.G.Road, Secunderabad.
- 2 Principal Secretary to Government, Municipal Administration & Urban
Development, Secretariat, Hyderabad.
- 3 The Commissioner & Director of Municipal Administration.,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 1st respondent in issuing the impugned notification in their No. 680/SEC-F/98-7, dt.29-5-98 seeking to hold election to Mandamarri Municipality which is situated in the Scheduled area in Adilabad district as unconstitutional, illegal and void after declaring that the 1st respondent State Election Commission has no power or jurisdiction to supervise, control or hold

elections to Mandamarri Municipality in pursuant to the power conferred upon the State Election Commission as the part IX A of the Constitution of India has not been applied the scheduled area so far and consequently to direct the respondents to refrain from in any way holding elections to the Madamarry Municipality.

Counsel for the Petitioner : Mr.MUMMANENI.SRINIVASA RAO

Counsel for Respondent No.1 : Mr.K.G.K.PRASAD

Counsel for Respondent Nos.2 & 3 : G.P. FOR MUNICIPAL ADMN.

W.P.M.P.No. 1162 of 2005

Between:

R.Asha Nirmala W/o Sanjeeva Rao. .. Petitioner/Implead

Respondent No.4 in

W.P.No.15976/98.

And

1 M.Ramachander, S/o Posham,

Mandamarri (Post), Mandamarri Mandal, Adilabad Dist.

2 The State Election Commission, A.P, Rep. by its Secretary,

Ground Floor, Budha Bahvan, M.G.Road, Secunderabad.

3 Principal Secretary to Government, Municipal Administration & Urban

Development, Secretariat, Hyderabad.

4 The Commissioner & Director of Municipal Administration

Hyderabad.

Respondents/Writ petitioner/

Respondents.

Petition filed under Rule 16(A) of the Writ Rules praying that in the circumstances in the affidavit filed herein, the High Court may be pleased to implead the petitioner as party respondent No.4 in W.P.No.15976 of 1998 ad to dismiss the same as abated.

Counsel for petitioner : Mr.MOKKAPATI PRABHAKAR RAO

Counsel for Respondent No.1 : Mr.MUMMANENI.SRINIVASA RAO

Counsel for Respondent No.2 : Mr.K.G.K.PRASAD

Counsel for Respondents 3 & 4 : G.P. FOR MUNICIPAL ADMN. & U.D.

The Court made the following :

ORDER:

On 4.4.2005, when the writ petition has come up for consideration, learned counsel for the petitioner was absent and there was no representation. Therefore, the matter was directed to be listed on 5.4.2005 under the caption 'for dismissal'.

Today when the matter is taken up for hearing in the forenoon, none appears for the petitioner. The matter was passed over and again taken up at 2.15 p.m., but none appears for the parties and there is no representation. In the circumstances, this writ petition as well as W.P.M.P.No. 1162 of 2005 is dismissed for default/non-prosecution.

N.V.RAMANA, J

Date: 5.4.2005

DA/SVV

To

- 1 The Secretary, State Election Commission, A.P,
Ground Floor, Budha Bahvan, M.G.Road, Secunderabad.
- 2 Principal Secretary to Government, Municipal Administration & Urban
Development, Secretariat, Hyderabad.
- 3 The Commissioner & Director of Municipal Administration
- 4 Two CCs to the G.P. for Municipal Administration & Urban
Development, High Court Buildings, Hyderabad (OUT).
- 5 Two CD copies.